

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

SHOJI, Takashi

101-0032

**6F, SN Iwamotocho Bldg.,
2-10, Iwamotocho 3-chome,
Chiyoda-ku, Tokyo**

Date of mailing
(day/month/year)

28. 9. 2004

Applicant's or agent's file reference

GP04-1005PCT

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/JP2004/011567

International filing date (day/month/year)

05.08.2004

Priority date (day/month/year)

07.08.2003

International Patent Classification (IPC) or both national classification and IPC

Int.Cl.⁷ **G01N 33/53 G01N 37/00**

Applicant

ENDO, Yaeta

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP

Japan Patent Office

3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan

Authorized officer

Miyazawa Hiroshi

Telephone No. +81-3-3581-1101 Ext. 3251

2J

9407

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2004/011567

Box No. I

Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2004/ 011567

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-7	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-7	NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims		NO

2. Citations and explanations

D1: WO 01/51663 A (MAXYGEN, INC.)2001.07.19

D2: JP 2000-316594 A(Wakenyaku Co.,Ltd)2000.11.21 & EP 1176210 A

D3: WO 00/43784 A(MARTEK BIOSCIENCED CORPORATION)2000.07.27

The subject matter of claims 1-7 does not appear to involve an inventive step over D1, D2 and D3 for the following reasons.

D1 discloses a solid phase array, which is formed by lyophilizing members of the population of recombinant nucleic acids on a solid surface (see page 22, line 21- page22, line 2 and page 108, line 5-17). And D1 discloses that, cell-free transcription/translation systems can be employed to produce polypeptides from solid or liquid phase arrays of DNAs or RNAs as provided by the present invention, and which are screened by any appropriate assay (see page 108 line27- page110, line 19, especially page109, line 19-22).

D2 discloses a method for the manufacture of a preparation of a solution containing a cell extract for protein synthesis by means of freeze-drying.

D3 discloses kits comprising all necessary components to easily and rapidly make protein conjugates, and each component being in a dry form in a single vessel (see especially claim 7).

The lyophilizing or freeze-dried reagent in D1 and D2 are used for the measurement reaction together. And it is generally known to have all necessary components in a single vessel (D3). It would be obvious to the person skilled in the art, to make arrays comprising lyophilizing DNAs and freeze-dried cell extract in a single vessel.